

### Inmates requesting transfer following release:

Transfer requests for incarcerated offenders may be started 120 days prior to release and the \$250 transfer application fee must be paid prior to the transfer request being submitted to the other state.

### Prior To Leaving North Carolina

- Most conditions of probation can be considered for transfer **EXCEPT** active jail time. If another state can not enforce a particular condition of supervision, the receiving state will notify North Carolina so that it can be addressed.
- Supervision fees are collected by the receiving state and not the sending state once the case is transferred for supervision.
- If required, the offender must submit a DNA sample or comply with other registration requirements.
- ALL offenders MUST meet with a probation officer to sign the "Offender Application for Interstate Compact Transfer" (*In signing this form, compact offenders waive all rights to extradition*); a photo must be obtained, a copy of the conditions of supervision must be given to the offender, and a payment schedule established if the offender owes any

### Collection of Money:

A receiving state is NOT responsible for the collection of any monies owed; they are only responsible for advising the defendant of arrears when notified by North Caro-

### Out of State Treatment:

Sentencing authorities should refrain from ordering offenders to complete the conditions of probation, to include participation in treatment programs, outside of North Carolina's jurisdiction. Ordering otherwise may create liability implications for North Carolina in the offender's presence in a state without transfer through this compact. If an offender desires to attend a treatment program in another state, most likely the case will not qualify under mandatory acceptance criteria; therefore, the receiving state will have the option to allow or disallow the offender to proceed immediately and will ultimately make the decision to accept or reject transfer

### Effect of special conditions or requirements (Rule 4.103-1)

For purposes of revocation or other punitive action against an offender, the probation or paroling authority shall give the same effect to a violation of special conditions imposed by a receiving state as if those conditions or requirements had been imposed by North Carolina. Failure of an offender to comply with special conditions or additional requirements shall form the basis of punitive action in the sending state.

### Q: Why establish rules for EVERY member state to follow?

A: Stephanie Peyton Tuthill is the face of this compact. Peyton, a 24 year old graduate student and resident of Florida, was attending college in Colorado at the time she was murdered by Dante Terrous Paige. In college, she was the president of her sorority, an environmentalist, a volunteer for the American Cancer Society and Habitat for Humanity. She volunteered at a shelter for abused women. At the time he was released from a Maryland prison, Dante Terrous Paige had served 22 months of a 20-year sentence for the violent crime of assault and armed robbery. Even though he had no family members or friends in the state of Colorado, the Maryland court allowed him to proceed to Denver to participate in a halfway house program. This occurred without any notice to Colorado authorities. Paige walked away from his program. Peyton died after returning from a job interview to find her apartment being burglarized by Paige who proceeded to rape



... the only way to go!

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## Interstate Compact Transfer Guide

*This guide is intended to provide offenders, lawyers and the judiciary with a better understanding of the mandatory steps to be taken when transferring supervision to another state\**

The Interstate Commission for Adult Offender Supervision (ICAOS) rules were created to promote public safety and facilitate the movement of 250,000 offenders nationally. ICAOS rules are federal law and do not impact the judicial sentencing of an offender, only how the offender is transferred and supervised over state lines and returned to the sending state when necessary.

Compacts such as ICAOS have the authority of federal law and supersede any state law to the contrary. The ICAOS allows for enforcement of the Compact against member states for noncompliance by: imposing fines and fees, remedial training and technical assistance, legal enforcement, and suspension or termination of membership in the compact. All 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands are members of this interstate agreement.

**The North Carolina Interstate Compact Office will assist with the transfer of any eligible offender under supervision to another state.**

Eligible offenders placed under supervision in North Carolina CANNOT leave the state without permission from the North Carolina Interstate Compact Office.

If an offender under supervision is found to be in the other state without proper authorization, the investigation can be stopped until the offender leaves the state. (Offender or family members can consult probation staff PRIOR to sentencing, when possible, to allow for contact to be made to the other state to determine if the offender will be allowed to proceed immediately upon

### Transfer of offenders under this compact (Rule 2.110 (a))

No state shall permit an offender who is eligible for transfer under this compact to relocate to another state except as provided by the Compact and these rules.\*

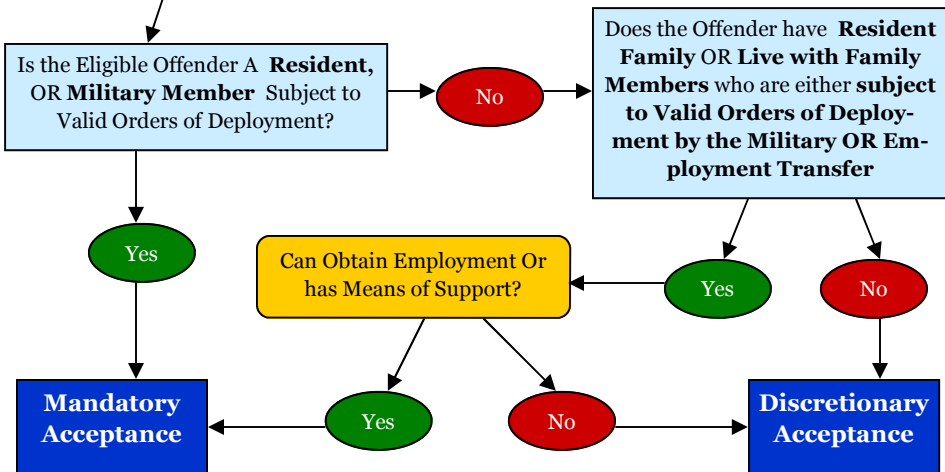
*“Relocate” means to remain in another state for more than 45 consecutive days in any 12 month period.*

Any offender that proceeds to the other state **before** receiving approved reporting instructions, transfer acceptance or being given a travel permit by the NC probation officer will be ordered to return to NC. Failure to return as instructed will be considered a violation of probation and an order for arrest will be issued.

### Eligibility

- Felony Offenders
- Misdemeanor Offenders with one year or more of supervision and Instant offense includes one or more of the following:
  1. An offense in which a person has incurred direct or threatened physical or psychological harm;
  2. An offense that involves the use or possession of a firearm;
  3. A second or subsequent DWI by drugs or alcohol;
  4. A sexual offense that requires the offender to register as a sex offender in the sending state.
- Deferred Sentences – yes, if...
  - Is there a finding of guilt?
  - Has a plea been entered?
  - Given up the right to trial?

### Mandatory Transfer of Supervision Vs. Discretionary Transfer of Supervision



### Supervision Has Two Distinct Criteria:

- Authority or oversight exercised by a supervising authority which includes courts and parole boards.
- Condition, qualification, special condition or requirement which requires monitoring and is imposed on the offender at the time of release to the community.

*The definition of supervision captures offenders placed on “unsupervised” probation who are required to comply with certain conditions and those conditions are monitored for compliance. The true “unsupervised” case for compact transfer purposes are those offenders whose only condi-*

### \*\*Transfer of Sex Offenders (Rule 3.101-3)\*\*

- A sex offender (person required to register in either North Carolina or the receiving state) SHALL NOT BE ALLOWED to leave North Carolina until approved reporting instructions or final acceptance of the transfer request have been given by the receiving state.
- When requesting reporting instructions, the receiving state has 5 business days to review the proposed residence to ensure compliance with local policies or laws. If the residence is found to be invalid due to existing state law or policy, the receiving state may deny the reporting instructions.
- No travel permit shall be granted by North Carolina

### Transfer Application Fee

Pursuant to “**NCGS 148-65.7 (a)** Persons convicted in this state who make request to transfer to another state pursuant to the compact shall pay a transfer application fee of **\$250.00** for each transfer application submitted. The transfer application fee shall be paid to the Compact Commissioner upon submission of the transfer application. The Commissioner or the Commissioner’s designee may waive the application fee if either the Commissioner or the Commissioner’s designee finds that payment of the fee will constitute an undue economic burden on the offender.”

Prior to being given a travel permit to leave NC, offenders must pay the \$250.00 transfer application fee. A certified bank check or postal money order will be the only acceptable methods of payment (cash or personal checks will not be accepted).

**\*\*Transfer Application Fee is non-refundable\*\***

*Payments should be made out to the NC Interstate Compact Office/ Transfer Application Fee. In the event the payment is made by an outside source, it can be mailed directly to the Interstate Compact Office: NC Interstate Compact Office, c/o: Deputy Commissioner at 2020 Yonkers Rd., Raleigh, NC 27699.*

### Offenders living in the receiving state at the time of sentencing:

Offenders living in the receiving state at the time of sentencing qualify for immediate reporting instructions to be requested as long as probation can verify **both** the offender’s residence and employment or means of support. Offenders need to make arrangements to stay in NC immediately following conviction, until the transfer application fee is paid and the receiving state provides reporting instructions. Approval from the receiving state can take anywhere from 2 to 5 days depending on the type of conviction. Offenders should plan to be self sufficient while awaiting permission to leave. This may include finding temporary housing.

### Offenders requesting transfer after a period of supervision in NC:

Offenders that have been supervised for a period of time in NC, who now desire to have their supervision transferred out of state must meet the following eligibility criteria:

1. You must be a resident of a receiving state (resident means you continually resided in that state for at least 1 year prior to the commission of the offense in NC.) Or,
2. You must have resident family in the receiving state (resident family means: a parent, grandparent, aunt, uncle, adult child, adult sibling, legal guardian, or step-parent who –
  - has resided in the receiving state for more than 180 days
  - is willing and able to assist in the plan of supervision
3. Can Obtain employment in the receiving state or has means of support
4. You must be in compliance with NC’s terms of supervision

If these criteria exist and probation agrees to request the transfer, the offender must pay the \$250.00 transfer application fee and remain in North Carolina until the receiving state provides reporting instructions or approval of the transfer request. Approval from the receiving state can take anywhere from 2 to 45 days. Offenders should plan to be self sufficient while awaiting permission to leave.